

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

AMENDED IN ASSEMBLY APRIL 22, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

AMENDED IN ASSEMBLY APRIL 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1097

Introduced by Assembly Member Romero

(Principal coauthor: Assembly Member Corbett)

**(Coauthors: Assembly Members Aroner, ~~Keeley, Knox,~~
~~Kuehl, and Scott~~ Jackson, Keeley, Knox, Kuehl, Longville,
Scott, and Steinberg)**

(Coauthor: Senator Ortiz)

February 25, 1999

An act to amend Section 12071.1 of, and to add Section 12071.2 to, the Penal Code, relating to firearms, *making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1097, as amended, Romero. Firearms: gun shows.

Existing law generally regulates gun shows and firearms sales. Existing law requires gun show promoters to obtain a Certificate of Eligibility and to comply with various procedures in connection with gun shows. Violation of those provisions is a misdemeanor.

This bill would impose various notification duties upon gun show promoters in connection with operating a gun show or event, and would require vendors at a gun show or event to secure their firearms, as specified. Violation of these provisions would be a misdemeanor. By adding a new crime, this bill would impose a state-mandated local program.

This bill would also establish within the Department of Justice, a Firearm Law Enforcement Unit for the purpose of investigating gun law violations and assisting local law enforcement agencies, as specified. This bill would ~~provide that appropriate \$1,900,000 to establish the above-described unit would be implemented to the extent that funds are appropriated in the Budget Act.~~ The bill would also require the department to make annual reports to the Legislature regarding gun sales at gun shows, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ $\frac{2}{3}$. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12071.1 of the Penal Code is
 2 amended to read:
 3 12071.1. (a) No person shall produce, promote,
 4 sponsor, operate, or otherwise organize a gun show or
 5 event, as specified in subparagraph (B) of paragraph (1)
 6 of subdivision (b) of Section 12071, unless that person
 7 possesses a valid certificate of eligibility from the
 8 Department of Justice. A certificate of eligibility shall be
 9 issued by the department to an applicant unless the
 10 department's records indicate that the applicant is a
 11 person prohibited from possessing firearms.

(b) The Department of Justice shall adopt regulations to administer the certificate of eligibility program under this section and shall recover the full costs of administering the program by fees assessed applicants who apply for certificates.

~~(c) (1) Not later than 30 days before commencement of the gun show or event, the promoter shall notify the local law enforcement agency, the Department of Justice and the Bureau of Alcohol, Tobacco, and Firearms of the gun show or event, including the date, time, duration, and location of the gun show or event.~~

~~(2) (A) Not later than 15 days prior to the commencement of the gun show or event, the promoter shall submit to the department and local law enforcement a list of vendors that the promoter knows, or reasonably should know, will be renting tables, space, or otherwise participating in the gun show or event. The promoter shall thereafter, upon request, for every day the gun show or event operates, make available within 24 hours, or a later specified time, to the local law enforcement agency, an accurate, complete and current list of the persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms.~~

~~This subdivision applies to persons, entities, and organizations whether or not they participate in the entire gun show or event, or only a portion thereof.~~

~~(B) Not later than 15 days before the commencement of the gun show or event, the promoter shall also provide the following:~~

~~(i) The name, address, and telephone number of the promoter, a copy of the promoter's Certificate of Eligibility, and the promoter's registration number.~~

~~(ii) The date, time, and address of the gun show or event.~~

~~(iii) The estimated number of tables being rented or leased at the gun show or event.~~

~~(iv) The estimated number of visitors per day attending the gun show or event.~~

1 ~~(3)~~

2 (c) (1) When a promoter applies to the Department
3 of Justice for a certificate of eligibility, the promoter shall
4 provide with the application, a list of the gun shows or
5 events that the promoter plans to promote, produce,
6 sponsor, operate or otherwise organize during the year
7 for which the certificate will be issued, including the date,
8 time, and location of the gun shows or events. If, during
9 that year the information changes, or additional gun
10 shows or events will be promoted, produced, sponsored,
11 operated or otherwise organized by the promoter, the
12 promoter shall notify the Department of Justice no later
13 than 30 days prior to the gun show or event.

14 (2) The promoter shall comply with all applicable
15 federal, state, and local laws or ordinances. The promoter
16 shall also notify, in writing, all ~~firearms dealers who will~~
17 ~~be participating in~~ vendors who will sell, lease or transfer
18 firearms at the gun show or event of their obligation to
19 comply with all applicable federal, state, and local laws or
20 ordinances. Vendors shall acknowledge in writing, prior
21 to the commencement of the gun show or event, that they
22 have been so notified by the promoter.

23 ~~(d) Every person, entity, or organization participating~~
24 ~~as a vendor in the gun show or event for the purpose of~~
25 ~~selling or transferring firearms shall secure all of the~~
26 ~~vendor's firearms at the gun show or event with a device~~
27 ~~that, when installed on the firearm, is designed to prevent~~
28 ~~the firearm from being operated without first~~
29 ~~deactivating or removing the device, or, a device~~
30 ~~incorporated into the design of the firearm that is~~
31 ~~designed to prevent the firearm from being operated~~
32 ~~without first deactivating or removing the device.~~

33 ~~(e) A knowing violation of subdivision (a) or (c) by~~
34 ~~any person who produces, promotes, sponsors, operates,~~
35 ~~or otherwise organizes a gun show or event is a~~
36 ~~misdemeanor, punishable by a fine not to exceed \$2,000,~~
37 ~~and shall render that person ineligible for a certificate of~~
38 ~~eligibility and for registration pursuant to this section for~~
39 ~~a period of one year from the violation. A knowing~~
40 ~~violation of subdivision (d) of this section by a vendor at~~

~~a gun show or event is a misdemeanor, punishable by a fine not to exceed \$2,000.~~

~~(f)~~

(d) No later than 24 hours prior to the commencement of a gun show or event, and thereafter, for every day that the gun show or event operates, the promoter shall, upon request, make available within 24 hours to the local law enforcement agency and the Department of Justice a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the promoter to intend to lease or rent any table, display space, or area of the gun show or event for the purpose of selling, leasing, or transferring firearms. This subdivision applies to all persons, entities, and organizations participating in the gun show or event, regardless of whether they participate in the entire gun show or event, or only a portion thereof.

(e) Except for purposes of demonstration, all firearms offered for sale, lease, or transfer at a gun show or event shall be secured in a manner that prevents them from being operated. "Demonstration," for purposes of this section, means that the firearm may be briefly examined to ascertain or evaluate its mechanical functions or operation, but in no event may the firearm contain ammunition, nor may ammunition be fired from the firearm.

(f) A knowing violation of this section is a misdemeanor. A promoter who violates this section shall be ineligible for a certificate of eligibility for one year from the date of the violation.

(g) It is the intent of the Legislature that the certificate of eligibility program established pursuant to this section be incorporated into the certificate of eligibility program established pursuant to Section 12071 to the maximum extent practicable.

~~(g)~~

(h) The Department of Justice shall report to the Legislature annually the number of gun shows or events that occur in this state, the number of ~~guns~~ firearms sold at gun shows or events each year, and the number of ~~guns~~

1 *firearms* sold at gun shows that are booked into evidence
2 by law enforcement each year. *For purposes of the*
3 *report, nothing in this subdivision shall be construed as an*
4 *exception to the provisions of subdivision (b) of Section*
5 *11106 of the Penal Code that are applicable to the*
6 *Department of Justice.*

7 SEC. 2. Section 12071.2 is added to the Penal Code, to
8 read:

9 12071.2. There is hereby created within the
10 Department of Justice a Firearm Law Enforcement Unit
11 whose purpose is to investigate ~~gun law violations~~
12 *violations of firearm statutes* and assist in the gathering of
13 evidence and in prosecution by local government of gun
14 law violations. ~~This subdivision shall be implemented only~~
15 ~~to the extent that funds are appropriated for its purposes~~
16 ~~in the Budget Act.~~

17 SEC. 3. *The sum of one million nine hundred*
18 *thousand dollars (\$1,900,000) is hereby appropriated*
19 *from the General Fund to the Department of Justice for*
20 *the purpose of establishing the Firearm Law*
21 *Enforcement Unit.*

22 SEC. 4. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution for certain costs that may be incurred by a
25 local agency or school district because in that regard this
26 act creates a new crime or infraction, eliminates a crime
27 or infraction, or changes the penalty for a crime or
28 infraction, within the meaning of Section 17556 of the
29 Government Code, or changes the definition of a crime
30 within the meaning of Section 6 of Article XIII B of the
31 California Constitution.

32 SEC. 5. *This act is an urgency statute necessary for*
33 *the immediate preservation of the public peace, health,*
34 *or safety within the meaning of Article IV of the*
35 *Constitution and shall go into immediate effect. The facts*
36 *constituting the necessity are:*

37 *In order to provide for the preservation and*
38 *enhancement of public safety through the improved*

- 1 *enforcement of firearms laws at the earliest possible time,*
- 2 *it is necessary for this act to take effect immediately.*

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